

OCA 87-0755
4 March 1987

MEMORANDUM FOR: DCI-Designate

VIA: Deputy Director

FROM: David D. Gries *20*
Director of Congressional Affairs

SUBJECT: Your Confirmation Hearings - Comment, Timeline
and Reference Materials

Your nomination has been received positively at SSCI, though it is obviously too early to reach any conclusions. During a business meeting today the Committee is likely to vote to send you its standard Questionnaire for Completion by Presidential Nominees.

Since a full FBI field investigation must be submitted to the White House before nominating papers can be forwarded to the Senate, it is unlikely that your nomination will reach the SSCI before 30 March.

SSCI rules normally require that 14 days elapse between receiving the nominating papers and holding a hearing. However, this requirement is often waived. Accordingly, your hearing could be scheduled either at the end of the week of 30 March or during the week of 6 April. The completion of NFIP budget hearings on 25 March and the beginning of the Easter recess on 11 April point to these two weeks as a likely window.

Timeline:

- Place courtesy telephone calls to Chairman Boren and Ranking Minority Member Cohen
- Avoid public discussion of your nomination
- Begin courtesy calls on Members of Congress

Since you are a Presidential nominee, the White House Congressional Affairs Office takes the lead in arranging for your courtesy calls

- Begin preparing nominating papers

Prepare Financial disclosure forms

Complete Questionnaire for Completion by Presidential Nominees (CIA can help with this.)

-- Review draft of Opening Statement

(If you wish, CIA will prepare an initial draft after discussion with you.)

-- Read reference materials

See attached list. These are available in folders in the Office of Congressional Affairs for your use at any time.

Other CIA and Intelligence Community elements are also preparing reference materials.

Review Q's & A's.

-- Attend pre-briefing sessions

At CIA
At White House

-- Review SSCI staff questions prepared for Members

-- Confirmation Hearing

The principle hearing is open; the SSCI will determine later whether to follow up with a closed hearing.

-- Committee Markup

-- Senate Floor Action

-- Swearing in Ceremony

Attachment:
(List of reference materials)

Page Denied

TAB A

ACT OF 1980

SUBCHAPTER III—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

50 U.S.C.A. 413 [§ 501 of Nat. Sec. Act]. Congressional oversight ³²

(a) Reports to Congressional Committees of current and proposed activities

To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States involved in intelligence activities shall—

(1) keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives (hereinafter in this section referred to as the "intelligence committees") fully and currently informed of all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States, including any significant anticipated intelligence activity, except that (A) the foregoing provision shall not require approval of the intelligence committees as a condition precedent to the initiation of any such anticipated intelligence activity, and (B) if the President determines it is essential to limit prior notice to meet extraordinary circumstances affecting vital interests of the United States, such notice shall be limited to the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate;

(2) furnish any information or material concerning intelligence activities which is in the possession, custody, or control of any department, agency, or entity of the United States and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities; and

(3) report in a timely fashion to the intelligence committees any illegal intelligence activity or significant intelligence failure and any corrective action that has been taken or is planned to be taken in connection with such illegal activity or failure.

(b) Failure to inform; reasons

The President shall fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given under subsection (a) of this section and shall provide a statement of the reasons for not giving prior notice.

(c) Establishment of procedures for relaying information

The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of subsections (a) and (b) of this section.

(d) Protection from unauthorized disclosure

The House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of the Congress under this section. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

(e) Construction of authority conferred

Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

50 U.S.C.A. 414 [§ 502 of Nat. Sec. Act].¹³ Funding of Intelligence Activities

(a) Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

(1) those funds were specifically authorized by the Congress for use for such activities; or

(2) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 501 of this Act concerning any significant anticipated intelligence activity, the Director of Central Intelligence has notified the appropriate congressional committees of the intent to make such funds available for such activity; or

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(3) in the case of funds specifically authorized by the Congress for a different activity—

(A) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(B) the need for funds for such activity is based on unforeseen requirements; and

(C) the Director of Central Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity;

(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31, United States Code.

(b) Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

(c) As used in this section—

(1) the term "intelligence agency" means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate; and

(3) the term "specifically authorized by the Congress" means that—

(A) the activity and the amount of funds proposed to be used for that activity were identified in a formal budget request to the Congress, but funds shall be deemed to be specifically authorized for that activity only to the extent that the Congress both authorized the funds to be appropriated for that activity and appropriated the funds for that activity; or

(B) although the funds were not formally requested, the Congress both specifically authorized the appropriation of the funds for the activity and appropriated the funds for the activity.

SUBCHAPTER IV—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION [NEW]

50 U.S.C.A. 421 [§ 601 of Nat. Sec. Act].¹⁴ Protection of identities of certain United States undercover intelligence officers, agents informants, and sources

(a) Disclosure of information by persons having or having had access to classified information that identifies a covert agent

Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any

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TALKING POINTS

THE LAW ON REPORTING COVERT ACTION TO CONGRESS

1. Negotiations over 1980 Oversight Act

- Issue: timing of notice of covert actions
- Administration wanted to retain Hughes-Ryan standard of "timely" notice (i.e., after the fact)
- Intelligence committees wanted prior notice
- Compromise: statute drafted to require prior notice as norm but to take account of Executive's claim to constitutional authority to withhold prior notice

2. Intelligence Oversight Act: Section 501 of the National Security Act

- Requires DCI to keep intelligence committees "fully and currently informed" of intelligence activities, including "significant anticipated intelligence activities"
 - Hughes-Ryan amended to define covert operations as significant anticipated intelligence activities
 - Thus, prior notice of covert operations normally required
- Two exceptions to prior notice requirement (incorporated in SSCI reporting procedures)
 - 501(a)(1)(B): limited prior notice to "gang of eight" in extraordinary circumstances
 - 501(b): if President withholds prior notice of covert action, he must inform committees in a "timely fashion" and give statement of reasons for withholding prior notice
 - Administration asserted constitutional prerogative to withhold prior notice in rare cases
 - Congress did not accept this authority, but chose not to use section 501 to do battle over it.
 - First preambular clause ("To the extent consistent with applicable authorities...") added to recognize fact

the fact that Congress and the Executive both have constitutional authorities which cannot be changed by statute--question of what the applicable authorities are was left open.

---S0](b) added in recognition of Executive's claim to authority to withhold prior notice

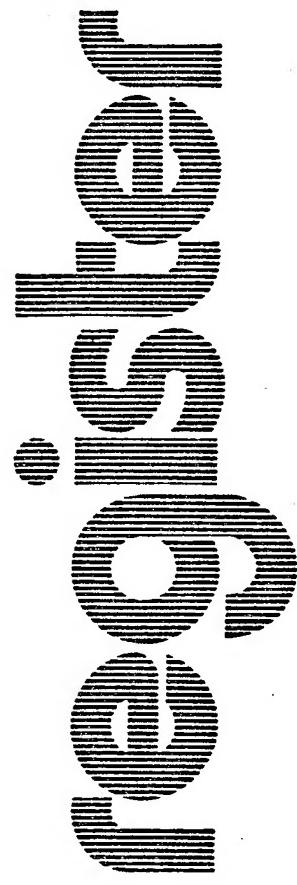
--Legislative history suggests that Congress may hold view that the President may only withhold prior notice when there is need for immediate action and no opportunity to consult.

--But legislative history also recognizes that particular constitutional authorities cannot be spelled out in advance and must be worked out "in a practical manner".

--Further, there is precedent for withholding prior notice due to concerns for secrecy/risk to life as opposed to need for immediate action.

---in 1980, prior notice was withheld of operation to rescue Americans in hiding at Canadian Embassy in Tehran

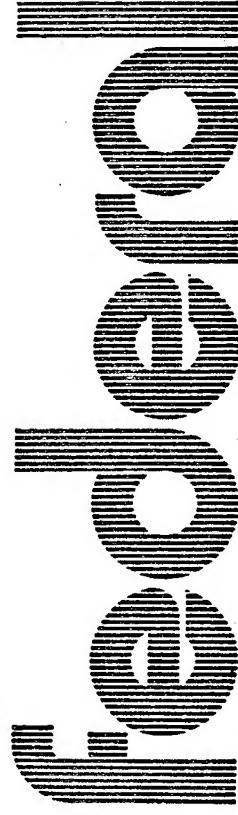
TAB B



THE PRESIDENT

**UNITED STATES
INTELLIGENCE ACTIVITIES**

**Executive Order 12333
December 4, 1981**



Federal Register
Vol. 46, No. 235

Tuesday, December 8, 1981

Presidential Documents

Title 3—

Executive Order 12333 of December 4, 1981

The President

United States Intelligence Activities

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Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

Part 1*Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort*

1.1 Goals. The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal.

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 The National Security Council.

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissents, on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 National Foreign Intelligence Advisory Groups.

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

- (1) Production, review and coordination of national foreign intelligence;
- (2) Priorities for the National Foreign Intelligence Program budget;
- (3) Interagency exchanges of foreign intelligence information;
- (4) Arrangements with foreign governments on intelligence matters;
- (5) Protection of intelligence sources and methods;
- (6) Activities of common concern; and
- (7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives

of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 The Intelligence Community. The agencies within the Intelligence Community shall, in accordance with applicable United States law and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

- (a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;
- (b) Production and dissemination of intelligence;
- (c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;
- (d) Special activities;
- (e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and
- (f) Such other intelligence activities as the President may direct from time to time.

1.5 Director of Central Intelligence. In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

- (a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;
- (b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;
- (c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;
- (d) Ensure implementation of special activities;
- (e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;
- (f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;
- (g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;
- (h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;
- (i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

- (j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;
 - (k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;
 - (l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;
 - (m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;
 - (n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;
 - (o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;
 - (p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;
 - (q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;
 - (r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies; and
 - (s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.
- 1.6 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.*
- (a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.
 - (b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 Senior Officials of the Intelligence Community. The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate, shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 The Central Intelligence Agency. All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon the Director of Central Intelligence and the Attorney General;

- (d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;
- (e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855)) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;
- (f) Conduct services of common concern for the Intelligence Community as directed by the NSC;
- (g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;
- (h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and
- (i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) and through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 *The Department of State.* The Secretary of State shall:

- (a) Overtly collect information relevant to United States foreign policy concerns;
- (b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;
- (c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;
- (d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and
- (e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 *The Department of the Treasury.* The Secretary of the Treasury shall:

- (a) Overtly collect foreign financial and monetary information;
- (b) Participate with the Department of State in the overt collection of general foreign economic information;
- (c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and
- (d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1.11 *The Department of Defense.* The Secretary of Defense shall:

- (a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;
- (b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

- (c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;
- (d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;
- (e) Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;
- (f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;
- (g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;
- (h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;
- (i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;
- (j) Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and
- (k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 Intelligence Components Utilized by the Secretary of Defense. In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

- (a) *Defense Intelligence Agency*, whose responsibilities shall include:
 - (1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;
 - (2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;
 - (3) Coordination of all Department of Defense intelligence collection requirements;
 - (4) Management of the Defense Attaché system; and
 - (5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.
- (b) *National Security Agency*, whose responsibilities shall include:
 - (1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;
 - (2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

- (3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;
 - (4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;
 - (5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;
 - (6) Collection, processing and dissemination of signals intelligence information for counterintelligence purposes;
 - (7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;
 - (8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;
 - (9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;
 - (10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the NSA as are necessary;
 - (11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;
 - (12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and
 - (13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.
- (c) *Offices for the collection of specialized intelligence through reconnaissance programs*, whose responsibilities shall include:
- (1) Carrying out consolidated reconnaissance programs for specialized intelligence;
 - (2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and
 - (3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.
- (d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps*, whose responsibilities shall include:
- (1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.* If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 The Department of Energy. The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 The Federal Bureau of Investigation. Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

Part 2

Conduct of Intelligence Activities

2.1 Need. Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 Purpose. This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between

the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 *Collection of Information.* Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

- (a) Information that is publicly available or collected with the consent of the person concerned;
- (b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;
- (c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;
- (d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;
- (e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;
- (f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;
- (g) Information arising out of a lawful personnel, physical or communications security investigation;
- (h) Information acquired by overhead reconnaissance not directed at specific United States persons;
- (i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and
- (j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

2.4 *Collection Techniques.* Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 Attorney General Approval. The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2.8 *Consistency With Other Laws.* Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 *Undisclosed Participation in Organizations Within the United States.* No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 *Human Experimentation.* No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

2.11 *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

Part 3

General Provisions

3.1 *Congressional Oversight.* The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 *Implementation.* The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 *Procedures.* Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

3.4 *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

- (a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.
- (b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.
- (c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.
- (d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.
- (e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.
- (f) *Intelligence Community and agencies within the Intelligence Community* refer to the following agencies or organizations:
- (1) The Central Intelligence Agency (CIA);
 - (2) The National Security Agency (NSA);
 - (3) The Defense Intelligence Agency (DIA);
 - (4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
 - (5) The Bureau of Intelligence and Research of the Department of State;
 - (6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and
 - (7) The staff elements of the Director of Central Intelligence.
- (g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:
- (1) The programs of the CIA;
 - (2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;
 - (3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;
 - (4) Activities of the staff elements of the Director of Central Intelligence;
 - (5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.
- (h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and

functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 *Purpose and Effect.* This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 *Revocation.* Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

Ronald Reagan

THE WHITE HOUSE,
December 4, 1981.

[FR 81-35203
Filed 12-4-81; 4:09 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12334 of December 4, 1981

President's Intelligence Oversight Board

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

Sec. 2. The Board shall:

- (a) Inform the President of intelligence activities that any member of the Board believes are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;
- (b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;
- (c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;
- (d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and
- (e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

Sec. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence, the Central Intelligence Agency or other agencies of the Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

Sec. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

Sec. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Ronald Reagan

THE WHITE HOUSE,
December 4, 1981.

[FR Doc. 81-35204
Filed 12-4-81: 4:10 pm]
Billing code 3195-01-M

TAB C

*Initials**BS 25711*

ADDENDUM TO PROCEDURES GOVERNING
REPORTING TO THE SENATE SELECT COMMITTEE
ON INTELLIGENCE ON COVERT ACTION

1. In accordance with Paragraph 10 of the Procedures Governing Reporting to the SSCI on Covert Action, executed on June 6, 1984, the SSCI and the DCI have jointly reviewed the Procedures in order to assess their effectiveness and their impact on the ability of the Committee and the DCI to fulfill their respective responsibilities under section 501 of the National Security Act of 1947.
 2. The Committee and the DCI agree that the Procedures have worked well and that they have aided the Committee and the DCI in the fulfillment of their respective responsibilities. The Committee and the DCI also agree to add the following Procedures set forth below:
- In accordance with the covert action approval and coordination mechanisms set forth in NSDD 159, the "advisory" format will be used to convey to the SSCI the substance of Presidential Findings, scope papers, and memoranda of notification.
 - Advisories will specifically take note of any instance in which substantial nonroutine support for a covert action operation is to be provided by an agency or element of the U.S. Government other than the agency tasked with carrying out the operation, or by a foreign government or element thereof. It is further agreed that advisories will describe the nature and scope of such support.
 - In any case in which the limited prior notice provisions of section 501(a)(1)(B) of the National Security Act are invoked, the advisory or oral notification will affirm that the President has determined that it is essential to limit prior notice. It is further agreed that in any section 501(a)(1)(B) situation, substantive notification will be provided to the Chairman and Vice Chairman of the SSCI at the earliest practicable moment, and that the Chairman and Vice Chairman will assist to the best of their abilities in facilitating secure

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notification of the Majority and Minority leaders of the Senate if they have not already been notified. It is understood that responsibility for accomplishment of the required notification rests with the Executive Branch.

- It is understood that paragraph 6 of the Procedures, which requires that the SSCI shall be kept fully and currently informed of each covert action operation, shall include significant developments in or related to covert action operations.
- The DCI will make every reasonable effort to inform the Committee of Presidential Findings and significant covert action activities and developments as soon as practicable.

3. In accordance with paragraph 4 of the Procedures, the DCI recognizes that significant implementing activities in military or paramilitary covert action operations are matters of special interest and concern to the Committee. It is agreed, therefore, that notification of the Committee prior to implementation will be accomplished in the following situations, even if there is no requirement for separate higher authority or Presidential approval or notification:

- Significant military equipment actually is to be supplied for the first time in an ongoing operation, or there is a significant change in the quantity or quality of equipment provided;
- Equipment of identifiable U.S. Government origin is initially made available in addition to or in lieu of nonattributable equipment;
- There is any significant change involving the participation of U.S. military or civilian staff, or contractor or agent personnel, in military or paramilitary activities.

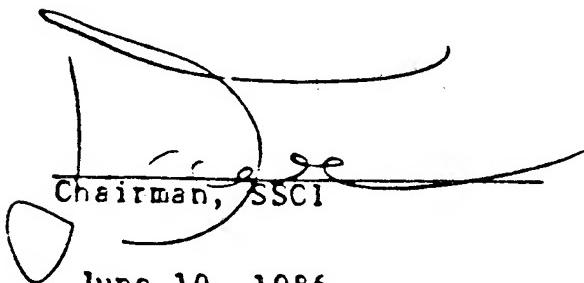
4. The DCI understands that when a covert action operation includes the provision of material assistance or training to a foreign government, element, or entity that simultaneously is receiving the same kind of U.S. material assistance or training overtly, the DCI will explain the rationale for the covert component.

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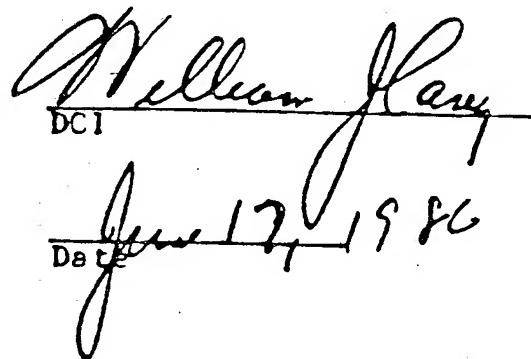
5. The DCI understands that the Committee wishes to be informed if the President ever decides to waive, change, or rescind any Executive Order provision applicable to the conduct of covert action operations.

6. The Committee and the DCI recognize that the understandings and undertakings set forth in this document are subject to the possible exceptional circumstances contemplated in section 501 of the National Security Act.

7. The Procedures Governing Reporting to the SSCI on covert action, as modified by this agreement, will remain in force until modified by mutual agreement.


Chairman, SSCI

June 10, 1986
Date


DCI

June 17, 1986
Date


Vice Chairman, SSCI

June 5, 1986
Date

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TAB D

STATEMENT OF ROBERT M. GATES
NOMINEE TO BE DIRECTOR OF CENTRAL INTELLIGENCE
SENATE SELECT COMMITTEE ON INTELLIGENCE
17 FEBRUARY 1987

MR. CHAIRMAN; MEMBERS OF THE COMMITTEE:

THANK YOU FOR YOUR WORDS OF WELCOME AND THANK YOU SENATOR WARNER FOR INTRODUCING ME. I AM DEEPLY HONORED TO HAVE BEEN NOMINATED BY THE PRESIDENT TO THE POSITION OF DIRECTOR OF CENTRAL INTELLIGENCE.

AT THE SAME TIME, I AM PROFOUNDLY SADDENED BY THE CIRCUMSTANCES WHICH BRING ME HERE -- THE ILLNESS OF DIRECTOR CASEY. I CANNOT LET THIS OCCASION PASS WITHOUT NOTING THE GREAT DEBT OF GRATITUDE OWED BY THIS COUNTRY AND ITS INTELLIGENCE SERVICES TO WILLIAM J. CASEY FOR HIS SUCCESSFUL RESTORATION OF AMERICAN INTELLIGENCE. WITH THE SUPPORT OF THE PRESIDENT AND THE CONGRESS, HE OBTAINED DESPERATELY NEEDED RESOURCES TO RESTORE AND EXPAND OUR COLLECTION AND ANALYSIS CAPABILITIES; HE FOSTERED AN UNPRECEDENTED DEGREE OF HARMONY AND COOPERATION AMONG AMERICAN INTELLIGENCE ORGANIZATIONS; HE MADE OUR ASSESSMENTS MORE REALISTIC AND HONEST IN PRESENTING DIFFERING VIEWS; HE RESTORED OUR MORALE, OUR SENSE OF PURPOSE AND MISSION; HE HELPED MAKE US MORE RELEVANT AND USEFUL TO POLICYMAKERS AND THE CONGRESS; HE BROUGHT OUR SERVICES NEW

RESPECT AND COOPERATION OVERSEAS; AND HE FASHIONED AMERICAN INTELLIGENCE ONCE AGAIN INTO AN INSTRUMENT FOR USE AGAINST OUR ADVERSARIES -- WHETHER THEY BE DRUG DEALERS, THOSE WHO WOULD STEAL OUR TECHNOLOGY, OR COMMUNIST GOVERNMENTS AT WAR WITH THEIR OWN PEOPLE. FROM THE OSS AND RUNNING AGENTS IN NAZI-OCCUPIED FRANCE TO THE WORLD OF COLLECTION SATELLITES IN SPACE AND LASER WEAPONS, BILL CASEY HAS SERVED HIS COUNTRY LONG AND WITH DISTINCTION. HE IS ONE OF THE LAST OF THAT GENERATION OF GREAT AMERICANS WHO EMERGED FROM WORLD WAR II DETERMINED THAT THE UNITED STATES PLAY A CRITICAL ROLE IN PRESERVING AND EXTENDING THE FREEDOM THEY HAD DEFENDED AT SUCH GREAT COST -- AND HE HAS WORKED FOR OVER 40 YEARS TO FULFILL THAT OBJECTIVE.

MR. CHAIRMAN, IN THIS OPENING STATEMENT, I WOULD LIKE TO ADDRESS BRIEFLY THREE SUBJECTS THAT I BELIEVE ARE OF INTEREST TO THE COMMITTEE: MY INDEPENDENCE AND ACCESS, MY AGENDA FOR THE INTELLIGENCE COMMUNITY, AND MY VIEW OF CONGRESSIONAL OVERSIGHT. I AM THE FIRST CAREER OFFICER TO BE NOMINATED FOR THE POSITION OF DIRECTOR OF CENTRAL INTELLIGENCE IN NEARLY 15 YEARS AND ONLY THE THIRD SINCE THE POSITION WAS ESTABLISHED FORTY YEARS AGO.

THE PRESIDENT'S INSTRUCTIONS WHEN HE OFFERED THE POSITION TO ME WERE CLEAR AND DIRECT. HE TOLD ME THAT HE WANTS HIS INTELLIGENCE UNVARNISHED -- THE GOOD AND THE BAD: IT MUST BE PROFESSIONAL AND OBJECTIVE. HE ALSO SAID THAT HE EXPECTED ME TO COME TO HIM DIRECTLY WITH INTELLIGENCE OR CONCERNs WHENEVER

I THINK IT APPROPRIATE. I GAVE HIM MY ASSURANCES ON BOTH COUNTS.

I CAN ASSURE YOU THAT I WILL HESITATE NEITHER TO PRESENT UNWELCOME NEWS NOR SAY WHAT I THINK TO POLICYMAKERS OR TO CONGRESS. NOR WILL I HESITATE TO MAKE WHATEVER PERSONNEL OR ORGANIZATIONAL CHANGES ARE NEEDED TO ENSURE BOTH HIGH QUALITY INTELLIGENCE AND ADHERENCE TO THE RULES.

WITH ALL THAT MR. CASEY ACCOMPLISHED OVER THE PAST SIX YEARS, HE WOULD BE THE FIRST TO ACKNOWLEDGE THAT THERE REMAINS A SIGNIFICANT UNFINISHED AGENDA FOR U.S. INTELLIGENCE. WE CANNOT AFFORD TO STAND STILL OR BE CONTENT WITH CARETAKING. THE NATIONAL FOREIGN INTELLIGENCE STRATEGY POINTS THE WAY TO THE FUTURE BUT LET ME QUICKLY REVIEW WHAT I CONSIDER OUR AGENDA FOR THE NEXT TWO YEARS AND BEYOND.

THE DEMANDS UPON US FOR COLLECTION AND ANALYSIS ON A DRAMATICALLY EXPANDING RANGE OF SUBJECTS HAS THE POTENTIAL -- AND SOME WOULD SAY ALREADY HAS BEGUN -- TO WEAKEN OUR EFFECTIVENESS IN HIGH-PRIORITY AREAS. WE MUST BEGIN WORKING WITH POLICYMAKERS TO IDENTIFY THOSE PROBLEMS WHERE INTELLIGENCE CAN MAKE A UNIQUE CONTRIBUTION AND FOCUS ON THEM. WITH FINITE RESOURCES WE CANNOT TRY OR PRETEND TO TRY TO COLLECT AND ANALYZE INFORMATION ON EVERY CONCEIVABLE SUBJECT OF INTEREST TO EVERY AGENCY OR OFFICIAL OF THE UNITED STATES

GOVERNMENT; WE MUST PRIORITIZE BETTER. THIS IS PARTICULARLY TRUE AS OUR WORK ON MORE TRADITIONAL HIGH PRIORITY AREAS SUCH AS SOVIET WEAPONS PROGRAMS IS BECOMING INCREASINGLY DIFFICULT AND MORE RESOURCE INTENSIVE.

- ANOTHER IMPORTANT PROBLEM FOR US TO DEAL WITH IS THE AVALANCHE OF INFORMATION, BOTH THAT ACQUIRED THROUGH TRADITIONAL INTELLIGENCE MEANS AND THAT WHICH IS OPENLY AVAILABLE. IN SOME PARTS OF OUR COMMUNITY WE MEASURE COMPUTERS BY THE ACRE AND STILL OUR ABILITY TO EXPLOIT INFORMATION IS INCREASINGLY HARD-PRESSED. THE ANSWER IS NOT LESS INFORMATION, BUT BETTER PROCESSING AND EXPLOITATION. I AM CONVINCED THAT THERE IS ROOM FOR OPEN COOPERATION IN THIS AREA BETWEEN AMERICAN INTELLIGENCE AND AMERICAN BUSINESS AND UNIVERSITIES THAT ALSO ARE TRYING TO COPE WITH THIS PROBLEM. BUT WE MUST ALLOCATE THE RESOURCES NECESSARY TO ENSURE EFFECTIVE EXPLOITATION OF WHAT WE COLLECT.
- WE MUST BUILD UPON THE CLOSER COOPERATION FOSTERED BY MR. CASEY AMONG THE DIFFERENT ELEMENTS OF THE COMMUNITY. AS WE CONFRONT A GROWING NUMBER OF PROBLEMS WE SHOULD EXPLORE THE POSSIBILITY OF SOME DIVISIONS OF LABOR WHILE PRESERVING NECESSARY COMPETITIVE ANALYSIS ON CRITICAL SUBJECTS. FOR EXAMPLE, THE DEFENSE INTELLIGENCE AGENCY HAS BEEN GIVEN THE RESPONSIBILITY

ON BEHALF OF THE ENTIRE COMMUNITY FOR MAINTAINING DATA BASES ON MILITARY FORCES IN THE THIRD WORLD. I BELIEVE THERE ARE OTHER SUCH AREAS WHERE WE CAN COMBINE BOTH COMPETITION AND COOPERATION.

- WE MUST FOSTER MORE ANALYTICAL COMPETITION, BOTH WITHIN THE INTELLIGENCE COMMUNITY AND OUTSIDE. OUR INFORMATION IS OFTEN FRAGMENTARY OR AMBIGUOUS. SIGNIFICANT INTELLIGENCE FAILURES IN THE PAST HAVE COME WHEN WE OFFERED WITH FALSE CERTAINTY ASSESSMENTS THAT PRESENTED EITHER AN ARTIFICIAL CONSENSUS OR FORECAST ONLY A SINGLE OUTCOME TO COMPLEX DEVELOPMENTS. WHILE I BELIEVE WE OWE POLICYMAKERS A CLEAR ESTIMATE OF WHAT WE THINK WILL HAPPEN IN A GIVEN SITUATION, WE NEED TO BE HONEST ENOUGH TO ADMIT THAT THERE ARE USUALLY OTHER POSSIBILITIES AND TO DESCRIBE THEM. THE CANDID PRESENTATION OF DIFFERING VIEWS AMONG INTELLIGENCE AGENCIES IS IMPERATIVE.
- WE NEED TO CONTINUE EFFORTS TO EXPAND AND IMPROVE OUR HUMAN INTELLIGENCE CAPABILITIES. NOT ONLY ARE THERE CRITICAL AREAS WHERE ONLY HUMAN AGENTS CAN GET NEEDED INFORMATION -- FOR EXAMPLE, EARLY RESEARCH ON ADVANCED WEAPONS -- BUT ALMOST ALWAYS THE ONLY INFORMATION WE GET ON INTENTIONS COMES FROM HUMAN SOURCES. WE NEED MORE CASE OFFICERS, WE NEED THEM OVERSEAS, AND WE NEED THEM ASSIGNED TO AREAS WHERE THE REQUIREMENTS ARE MOST

PRESSING. AT THE SAME TIME, WE MAY NEED TO TIGHTEN FURTHER OUR COMMAND AND CONTROL. FINALLY, WE NEED TO INTENSIFY CURRENT EFFORTS TO DIVERSIFY OUR OFFICER CADRE, BRINGING IN MEN AND WOMEN WHO CAN MOVE WITH EASE AND UNOBTRUSIVELY IN ALL PARTS OF THE WORLD.

- THE EXPERIENCE OF THE LAST FEW YEARS DEMONSTRATES THE NEED TO REDOUBLE OUR COUNTERINTELLIGENCE EFFORT, BOTH OVERSEAS AND IN OUR OWN GOVERNMENT. WE MUST DEVOTE MORE RESOURCES TO REINVESTIGATIONS, TO SECURITY EDUCATION, TO VIGILANCE, AND TO CLOSER COLLABORATION AMONG THE AGENCIES WITH COUNTERINTELLIGENCE RESPONSIBILITIES. CIA ALREADY HAS REDIRECTED WITHIN THE LAST FEW MONTHS TENS OF MILLIONS OF DOLLARS TO CATCH UP ON INTERNAL REINVESTIGATIONS. MORE NEEDS TO BE DONE GOVERNMENTWIDE IN THIS AND OTHER AREAS.
- WE NEED TO CONTINUE IMPROVING OUR MANAGEMENT OF COVERT ACTIONS, MAKING THEM MORE EFFICIENT AND EFFECTIVE, SHORTENING THE GAP BETWEEN DECISIONS AND IMPLEMENTATION, AND ENSURING THAT WE SEEK THE RESOURCES WE NEED TO BE SUCCESSFUL. SIMULTANEOUSLY, WE MUST ENSURE THAT NO COVERT ACTION IS UNDERTAKEN WITHOUT PROPER COORDINATION AND PROPER WRITTEN AUTHORIZATION AND ALSO THAT THEY ARE CONDUCTED IN FULL ACCORDANCE WITH THE LAW AND OUR OWN REGULATIONS. MOREOVER, WE OWE IT TO THE POLICY COMMUNITY TO ENSURE THAT THEIR

DECISION TO USE COVERT ACTION NOT BE UNDERCUT BY SHORTCOMINGS IN OUR IMPLEMENTATION -- EITHER IN THE FIELD OR WITH CONGRESS. FINALLY, TO THE DEGREE WE ARE INVOLVED IN COVERT ACTION OR OTHER OPERATIONS IN SUPPORT OF POLICY, WE MUST TAKE SPECIAL CARE TO PROTECT AND ENSURE THE OBJECTIVITY AND QUALITY OF OUR ANALYSIS.

- WE MUST DO SOMETHING ABOUT UNAUTHORIZED DISCLOSURES. WE MUST RESTORE DISCIPLINE INSIDE THE GOVERNMENT, ESPECIALLY WITH RESPECT TO INTELLIGENCE SOURCES, TECHNIQUES AND ASSETS. THE FIRST STEPS ARE MORE RIGOROUS INVESTIGATIONS AND THE APPLICATION OF FIRM SANCTIONS AS WELL AS BETTER PROTECTION OF GENUINELY SENSITIVE DOCUMENTS. RECENT STEPS BY THIS COMMITTEE IN THESE RESPECTS ARE WELCOME AND ENCOURAGING. THE COST TO OUR CAPABILITIES FROM LEAKS AS WELL AS SPIES HAS BEEN CATASTROPHIC. BETTER COUNTERINTELLIGENCE WILL HAVE LITTLE EFFECT IF THE SOVIETS CAN READ ALL ABOUT OUR COLLECTION CAPABILITIES IN THE DAILY PRESS. WE MUST ALSO HOPE THAT THE AMERICAN MEDIA UNDERSTANDS, AND WE MUST HELP THEM TO APPRECIATE, THE RISKS TO THE NATION'S SECURITY AND THE COST TO THE TAXPAYER OF PUBLISHING INFORMATION ON INTELLIGENCE SOURCES AND METHODS LEAKED BY THOSE WHO BETRAY THE COUNTRY'S TRUST IN THEM.

- WE MUST CONTINUE TO SEEK AND OBTAIN THE RESOURCES NEEDED TO MEET CONSTANTLY CHANGING INTELLIGENCE REQUIREMENTS. IN A FAST-CHANGING AND DANGEROUS WORLD, QUALITY INTELLIGENCE CANNOT BE FUNDED ON-AGAIN OFF-AGAIN; CONTINUED INVESTMENT IN NEW CAPABILITIES IS ESSENTIAL. AT A TIME WHEN THERE ARE SEVERE PRESSURES ON THE DEFENSE BUDGET, LOGICALLY RESOURCES FOR INTELLIGENCE SHOULD RISE, NOT BE REDUCED. THIS IS A PROBLEM BOTH THE EXECUTIVE BRANCH AND THE CONGRESS MUST ADDRESS. QUALITY INTELLIGENCE REQUIRES SUSTAINED SUPPORT.
- IN THE YEARS AHEAD, WE WILL BE CHALLENGED TO RECRUIT, DEVELOP AND RETAIN AN EXTRAORDINARILY DIVERSE, TALENTED AND DEDICATED GROUP OF PEOPLE. WE MUST RECOGNIZE THE SPECIAL BURDENS AND SACRIFICES OF PEOPLE IN THIS UNIQUE WORKING ENVIRONMENT -- ESPECIALLY THOSE OVERSEAS -- AND AGGRESSIVELY EXPLORE WAYS TO RECRUIT, RETAIN, AND REWARD PEOPLE OF HIGH QUALITY.

FINALLY, BUT FIRST IN IMPORTANCE, WE MUST ACT PROMPTLY TO STRENGTHEN THE RELATIONSHIP BETWEEN THE INTELLIGENCE COMMUNITY AND OUR CONGRESSIONAL COMMITTEES. OVER THE PAST TWO OR THREE YEARS, IT HAS SEEMED LIKE ALL OF US INVOLVED HAVE WORKED TO DEVELOP GREATER MUTUAL CONFIDENCE AND TRUST, ONLY TO HAVE SOME NEW EVENT OR ACTION ERASE THAT PROGRESS AND FORCE US TO START

OVER. WE MUST FIND A WAY TO AVOID VALLEYS OF MISTRUST IN THIS RELATIONSHIP. I CONSIDER IT ONE OF MY HIGHEST PRIORITIES TO HELP RE-ESTABLISH MUTUAL TRUST AND CONFIDENCE. I BELIEVE WE ARE OFF TO A GOOD START. THE KEY, IN MY VIEW, IS BETTER COMMUNICATION ON BOTH SIDES. CLOSE AND CONTINUING CONTACT BETWEEN US, CONFIDENCE ON YOUR PART THAT WE WILL BE FORTHCOMING -- THAT YOU DON'T HAVE TO ASK EXACTLY THE RIGHT QUESTION TO LEARN WHAT WE ARE DOING, AND CONFIDENCE ON OUR PART THAT THE NATION'S SECRETS WILL BE PROTECTED, REPRESENT THE MOST PROMISING PATH TO A MORE STABLE AND SATISFACTORY RELATIONSHIP.

MR CHAIRMAN, MOST OF OUR CITIZENS DO NOT REALIZE THE UNIQUENESS OF THE RELATIONSHIP BETWEEN THE INTELLIGENCE COMMUNITY AND THE CONGRESSIONAL OVERSIGHT COMMITTEES OR OF THE GROUND WE ARE BREAKING TOGETHER FOR THE EFFECTIVE OPERATION OF A SECRET INTELLIGENCE SERVICE IN THE WORLD'S MOST OPEN DEMOCRACY. INDEED, A PUBLIC HEARING SUCH AS THIS WOULD BE INCONCEIVABLE IN ANY OTHER NATION IN THE WORLD.

AS I SAID LAST APRIL, THE CONCEPT AND PRINCIPLES OF CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ARE FULLY ACCEPTED WITHIN THE AMERICAN INTELLIGENCE COMMUNITY. NEARLY TWO-THIRDS OF THOSE NOW SERVING IN CIA BEGAN THEIR CAREERS AFTER 1976, WHEN OVERSIGHT AS WE KNOW IT BEGAN. THEY KNOW NO OTHER WAY OF DOING BUSINESS THAN WITHIN THE FRAMEWORK OF CONGRESSIONAL OVERSIGHT. AT THE SAME TIME, WE REALIZE THAT, ALMOST BY DEFINITION, OVERSIGHT INVOLVES SKEPTICISM, CRITICISM, AND

SUGGESTIONS FOR IMPROVEMENT. AND, OBVIOUSLY, NOBODY LIKES TO BE ON THE RECEIVING END OF CRITICISM. BUT, WHATEVER FRICTIONS RESULT ARE USUALLY TRANSITORY AND DO NOT AFFECT THE BASIC PROCESS.

MORE IMPORTANT, THE COMMUNITY'S ACCEPTANCE OF OVERSIGHT IS BASED IN SUBSTANTIAL MEASURE ON RECOGNITION OF THE BENEFITS TO US OF THE PROCESS. WE REMEMBER, FOR EXAMPLE, THAT THE REBUILDING OF AMERICAN INTELLIGENCE BEGAN IN THE LATE 1970's IN THE CONGRESS. SUBSEQUENTLY, BOTH OVERSIGHT COMMITTEES HAVE STRONGLY SUPPORTED OUR RESOURCE NEEDS. YOU HAVE ON OCCASION DEFENDED US IN PUBLIC AGAINST UNJUSTIFIED ACCUSATIONS. YOU HAVE BEEN INSTRUMENTAL IN INITIATING AND SPONSORING LEGISLATION IMPORTANT TO OUR PEOPLE AND OUR WORK, INCLUDING THE IDENTITIES PROTECTION ACT AND THE CIA INFORMATION ACT. OVERSIGHT HAS CREATED AN ENVIRONMENT THAT FOSTERS ADHERENCE TO THE RULES AT ALL LEVELS AND DISCOURSES CORNER CUTTING OR ABUSES. THE COMMITTEES HAVE CONTRIBUTED TO IMPROVING THE QUALITY OF OUR WORK AND TO EFFICIENCY. AND, FINALLY, THE CONGRESSIONAL COMMITTEES AND EXECUTIVE OVERSIGHT ORGANIZATIONS SUCH AS THE PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD AND THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD SHOULD GIVE THE AMERICAN PEOPLE CONFIDENCE THAT THEIR INTELLIGENCE SERVICE IS ACCOUNTABLE, CARRIES OUT ITS ACTIVITIES ACCORDING TO THE LAW AND THAT WE ARE GUIDED BY STANDARDS AND VALUES ACCEPTABLE TO THEM.

IT WOULD BE NAIVE TO BELIEVE, GIVEN SEPARATION OF POWERS ISSUES BETWEEN THE EXECUTIVE AND THE LEGISLATIVE BRANCHES AND THE CONTRASTING CULTURES AND NEEDS OF A SECRET SERVICE ON THE ONE HAND AND A FREELY ELECTED CONGRESS ON THE OTHER, THAT THERE WOULD NOT BE DIFFICULTIES. YET, WITH THAT, I BELIEVE THAT OVERSIGHT WORKS AND THAT, WITH OVERSIGHT, WE CONTINUE TO HAVE THE FINEST INTELLIGENCE SERVICE IN THE WORLD. INDEED, WHERE OTHERS MAY SEE SOME LIABILITIES IN OVERSIGHT, I SEE IMPORTANT STRENGTHS. FOR EXAMPLE, BECAUSE PEOPLE KNOW, THROUGH YOU, THAT WE ARE ACCOUNTABLE AND SUBJECT TO THE RULE OF LAW, WE HAVE ACCESS TO THE BEST MINDS AND RESOURCES OF AMERICA -- IN BUSINESS, THE UNIVERSITIES, AND SCIENTIFIC CENTERS. SOME 200-250 THOUSAND AMERICANS EXPRESS INTEREST IN JOINING CIA EACH YEAR. MOST AMERICANS SEE OUR EFFORTS AS NECESSARY TO PRESERVE OUR FREEDOM -- AND, BECAUSE OF OVERSIGHT AND THE LAW, NOT A THREAT TO THAT FREEDOM.

MR. CHAIRMAN, I CANNOT CONCLUDE MY STATEMENT WITHOUT PAYING TRIBUTE, IN THIS PUBLIC FORUM, AS I DID LAST YEAR, TO THE BRAVE MEN AND WOMEN OF AMERICAN INTELLIGENCE, MILITARY AND CIVILIAN, WHO LIVE AND WORK IN DANGEROUS AND INHOSPITABLE PLACES OVERSEAS AND UNDER ENORMOUS PRESSURES HERE AT HOME. WITH COURAGE AND DEDICATION, THEY ENDURE PERSONAL SACRIFICE, INCREDIBLY LONG HOURS, A CLOAK OF SECRECY ABOUT WHAT THEY DO THAT EXCLUDES EVEN THEIR FAMILIES, A LACK OF PRIVACY, AND YET ANONYMITY. AS THE PRESIDENT SAID IN 1984, "THE WORK YOU DO EACH DAY IS ESSENTIAL TO THE SURVIVAL AND TO THE SPREAD OF HUMAN FREEDOM. YOU REMAIN

THE EYES AND EARS OF THE FREE WORLD. YOU ARE THE TRIPWIRE." THE NATION CAN BE PROUD OF ITS INTELLIGENCE SERVICES AND, IF CONFIRMED, I WOULD BE PROUD TO SERVE WITH THEM AS DIRECTOR OF CENTRAL INTELLIGENCE.

THIS CONCLUDES MY OPENING STATEMENT. I HAVE SUBMITTED FOR THE RECORD ANSWERS TO THE COMMITTEE'S WRITTEN QUESTIONS BUT, IN ADDITION, WITH THE CHAIRMAN'S PERMISSION, I WOULD LIKE TO RESPOND ORALLY TO TWO QUESTIONS.

NOMINATION OF WILLIAM J. CASEY

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
FIRST SESSION
ON
NOMINATION OF WILLIAM J. CASEY, TO BE
DIRECTOR OF CENTRAL INTELLIGENCE

TUESDAY, JANUARY 13, 1981

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Publications.

Tax Sheltered Investments; Lawyers Desk Book; Forms of Business Agreements; Accounting Desk Book; Tax Planning on Excess Profits; How to Raise Money to Make Money; How Federal Tax Angles Multiply Real Estate Profits, and others.

STATEMENT OF WILLIAM J. CASEY

Mr. CASEY. Thank you, Mr. Chairman.

Mr. Chairman and distinguished members of this committee, it is an honor for me to be here today to meet with you and to discuss my qualifications for the post for which President-elect Reagan has nominated me.

I want to say at the outset that I believe it to be vital that this Nation have a strong and effective intelligence organization with a wide range of capabilities and with the flexibility to adapt and focus them on whatever exterior threats or problems confront the President, the National Security Council, Congress, the executive branch, all of us.

I would like to assure the Senators who have spoken and expressed their views about the serious problems that confront the intelligence community in times of rebuilding, performance, security, that I am determined to correct these problems, improve performance. And I believe that, with the support of this committee and the support of the intelligence community, we shall be able to do that.

At the outset, I would also like to say that it may be helpful to outline the experience which has formed my views on intelligence.

In World War II, I was a naval officer. I had intelligence assignments, first in Washington as an aide to Gen. William J. Donovan, then a director of the Office of Strategic Services, and subsequently in London as an aide to Col. David K. E. Bruce, the commanding officer of that organization in the European theater of war with General Eisenhower commanding.

WORLD WAR II ACTIVITIES

Our activities there consisted primarily of working with British and French intelligence and supporting French resistance forces to develop support for the Allied armies as they invaded and liberated France. When it became clear in the fall of 1944 that the war would not be won in France but that there would be hard fighting in Germany, I became engaged in shifting what had been a French-oriented organization to one that could function effectively in Germany.

When we were surprised by the Hitler counteroffensive in the Ardennes, in what became known as the Battle of the Bulge, I was appointed chief of secret intelligence for OSS in the European theater. In this capacity, I was charged with sending observers to railroad and military centers in Germany to report on the movement of German forces, on targets suitable to air attack, and similar military information.

I would like to say that from that experience it was clear that intelligence and counterintelligence capabilities that were brought to bear against the enemy were worth many German divisions, that they saved many lives and much time and much treasure, much blood.

It is also clear that America entered that conflict without any significant intelligence capability, that it was able to perform—we were able to perform—in the intelligence and counterintelligence contributions to the conduct of the war in Europe were based primarily on the long tradition, experience, the personnel that it created, and on the British system, which was our tutor and our mentor.

I say that because today it is clear that the American intelligence system occupies that role. It is a repository of many of the capabilities which do not exist elsewhere. And that emphasizes in my mind the absolute imperative nature of maintaining that capability as the best intelligence system in the world, building on it, and constantly improving it.

Now, for a few years immediately after World War II, I worked with General Donovan, with General Quinn who is here today, other colleagues in wartime intelligence in urging that our Nation needed a permanent central intelligence. And in studying how such an organization should be organized and function.

CIVILIAN ACTIVITIES

Since that time I have spent my private working life as a practicing lawyer, as an author, editor, and entrepreneur. All of these activities involving somewhat the same kind of gathering, evaluation, and interpretation of information which good intelligence work requires. I maintain an interest in foreign policy and national defense. As a founding director of the National Strategy Information Center, I worked on the establishment of chairs and professorships in national security on some 200 campuses throughout the United States.

During 1969 President Nixon appointed me to the General Committee on Arms Control, on which I served during the preparation and negotiations for SALT I. This experience impressed upon me the vital significance of good intelligence in establishing adequate defense in negotiating arms control arrangements and in verifying that those arrangements are being observed.

I became a consumer of intelligence in another capacity as Under Secretary of State in 1973 and 1974. And as a member of the Commission of the Organization of the Government for the Conduct of Foreign Policy, known as the Murphy Commission after its chairman, Robert Murphy, a distinguished diplomat of long standing, I took a special interest in the organization of the intelligence community and improving the relevance and quality of analysis and developing a more effective relationship between producers and consumers of intelligence.

In 1976 President Ford appointed me a member of the President's Foreign Intelligence Advisory Board. There my special interests were a greater concentration in improving economic intelligence and the experiment in competitive analysis of Soviet strategic intentions, the potential capabilities of Soviet air defense, and the accuracy of Soviet missiles, all of which I believe demonstrated the value of some form of competitive analysis.

Now, there is no need for me to describe to this committee the varied and complex challenges that confront our Nation, the complexity of the political, military, and economic forces with which

we must deal, or the importance of good intelligence to the formulation and execution of effective policies.

GOALS AS CIA DIRECTOR

And if I am confirmed for the position for which I have been nominated, it will be my purpose to provide for our policymakers in the Congress as well as the executive branch timely and accurate information, analysis, and estimates on which they can rely in establishing the defensive strength we need in seeking arms limitations and developing and maintaining satisfactory relations with other nations and in competing in an increasingly interdependent and competitive global economy.

Our foreign policies and defense strategies will never be better for long, than our intelligence capabilities. In an era of increasing military vulnerability, effective intelligence is of far greater importance than it may have been some years ago when we had clear military superiority. Anticipating potential problems and threats, understanding the reasons behind events, and foreseeing all the potential opportunities, both diplomatic and military, will be critical to successful international relations over the next decade. We are in a period, I believe, where investments in intelligence capabilities will yield major returns.

Generally, there was a poor public perception and understanding of the value of the American intelligence community to the security of the free world. The CIA, in particular, suffers institutional self-doubt. Many of its most competent officers have retired or are about to retire. The morale of much of the agency is said to be low. Too often, the agency has been publicly discussed as an institution which must be tightly restrained, stringently monitored, or totally reorganized. Little has been done in recent years to stress publicly the critical role which the intelligence community has to play in the formulation and execution of our Nation's foreign policies and defense strategies.

Too many have worked to reduce the feeling of self-worth of intelligence officers. Too few have worked to motivate the best minds in the country to see the intelligence profession as one which is desperately needed for our national security.

Now, while members of the community realize they cannot receive public recognition for particular tasks well done, they rightfully expect the support of the government which they serve. All too often, their failures are widely publicized, but their successes, by their very nature, are generally hidden.

We need to make it clear that while we work to improve the intelligence community, it has our full trust and confidence, that the intelligence profession is one of the most honorable professions to which Americans can aspire, and that we have an appreciation for the dedication and professionalism of its members. We should call our young Americans to serve their country in intelligence work. We should ask American scholars to serve their country by sharing their scholarship and insights with those in the community who are responsible for preparing the analyses used to develop foreign policy and defense strategy.

In the months ahead, this Nation will continue to confront major international crises. This is not the time for another bureaucratic

shakeup of the CIA. Instead, it is a time to make American intelligence work better to become more effective and more competent, and to make the members of this establishment respect it and honor it.

INTELLIGENCE FAILURES

In almost every instance in recent years, so-called intelligence failures have been the result of shortcomings in intelligence analysis and sometimes in policy conclusions. The necessary relevant information, the facts, were generally available. But frequently, either good analysis or sound conclusions did not follow.

To be truly beneficial to consumers, the data collected must be subjected to critical and insightful analysis, conducted by trained, competent professionals with a rich background in the subjects required. The issues with which we have to deal require the best analytical capabilities applied to unclassified as well as classified sources.

The attractiveness of intelligence analysis as a profession, part time as well as full time, needs to be increased. We need to tap the insights of the Nation's scholars in the effort to upgrade the quality of intelligence analysis.

We must search for new and better ways to get continuing input from the outside world in order to gather information available inside and outside of Government and to get the best analysis of the full range of views and data available. A revival of the President's Foreign Intelligence Advisory Board can contribute substantially to this.

And there are many other possibilities. When I was Chairman of the SEC, I created a large number of task forces made up of members of the SEC staff and people experienced in various phases of the investment industry, assigned to report on regulatory needs for new forms of investment and trading.

By minimizing paper and regulatory burdens, on making investment analysis more widely available to public investors, and similar subjects, we were able to gather insight and perspective which was just not available in Washington. And I believe that the same opportunities exist in the academic community and in the business community to make American governmental intelligence function more effectively and come to more reliable and realistic conclusions.

It's not enough, however, to have good information and accurate assessments. The findings and the views of the intelligence community must be forcefully and objectively presented to the President and the National Security Council. I assure you that I will present these views without subjective bias and in a manner which reflects strongly held differences within the intelligence community. It will be my purpose to develop estimates which reflect a range of likely developments for which policymakers must prepare in a manner which emphasizes hard reality undistorted by preconceptions or by wishful thinking.

As we look back at the recent past, we should remember how early intelligence reports on Soviet missiles in Cuba in 1962, on Soviet divisions preparing to enter Czechoslovakia in 1968, on Arab preparations to attack Israel in 1973, were obscured by judgments

that it would not be sensible for these weapons and divisions to have other than defensive or training purposes.

Alternative possibilities and their implications must be fully set forth in our assessments so they can be reflected in our preparation and in our policies. To carry out this assignment, the intelligence community needs both public support and the full participation and cooperation of the Congress.

I am pleased that after a period of turmoil, the executive and legislative branches have now institutionalized their arrangements in the Intelligence Authorization Act of 1981, as Senator Huddleston has described. And I pledge to conduct the relations of the intelligence community with the Congress in a consultative mode. I pledge care and diligence to protect the legal rights of American citizens.

PLEDGE

I pledge to work closely with Congress on this as well as in monitoring and improving the performance of the community, particularly for the intelligence committee study of U.S. intelligence products, procedures, and budgets, Congress will provide a valued independent source of review to ensure we are achieving all that is humanly possible and that Congress will be in a position to provide any necessary legislation or other action to improve our performance.

I will cooperate fully in facilitating the oversight through which Congress can insure that the community operates within the limits of the law. This will provide the American people with additional assurance that U.S. intelligence will fully respect their civil liberties and further strengthen public confidence in the performance of the intelligence community.

We—the Congress, and the agency, the community—have a common purpose in assuring ourselves of a comprehensive intelligence system of unqualified preeminence, operating efficiently and within the requirements of our laws.

I expect to conclude, as I review the organization, the structure, and the performance of the community, that there are some steps which should be taken to improve our intelligence performance. If confirmed, I will promptly and in consultation with the members of the intelligence community and the Congress, review without pre-conception, the system, our intelligence system as it has developed, as it now exists, and determine how I believe it is working and how that performance can be improved.

Many Senators and Congressmen have put forward a number of suggestions to protect the identities of U.S. intelligence officers and provide relief from some aspects of the Freedom of Information Act. I, too, share the concerns that led to these actions, and I hope that the Congress will complete the important work initiated in the last session.

I will examine how we are utilizing the resources that we have to produce intelligence: Are we attracting enough of the best people and providing them with the best possible training; and are we providing adequate incentives so that we can keep the most competent of those we have?

I know you and your counterpart committee in the House, and academic experts outside of Congress, have been studying these

matters. As I complete and as I carry on and complete my evaluation, I would plan to review my findings with you as soon as possible to determine how we can build on our strengths and to reduce areas of weakness.

That, Mr. Chairman, is my statement. I welcome any questions that you and other members of the committee may have.

The CHAIRMAN. Before we start questioning you, it is necessary for me to swear you in. Would you rise, please, and hold up your right hand?

Do you swear that the answers you will give to the questions asked will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. CASEY. I do.

The CHAIRMAN. Thank you very much.

STATEMENT OF SENATOR BIDEN

Senator BIDEN. Mr. Chairman, before we begin questioning, I apologize for being late. I was questioning General Haig.

May I ask unanimous consent that the opening statement I had be inserted in the record as if read, and explain to the chairman that I will be in and out because we're still questioning General Haig. But thank you for the indulgence.

The CHAIRMAN. I'll see you there this afternoon.

Senator BIDEN. You're going to testify. I'll certainly be there, Mr. Chairman, when you testify and promise to ask no hard questions.

[The prepared statement of Senator Joseph R. Biden follows:]

PREPARED STATEMENT OF SENATOR BIDEN

Mr. Casey, I would like to add my congratulations on your nomination for the Directorship of Central Intelligence. My statement will be brief because, after all, the point is to hear from you today. But I would like to specify two items that I feel are vitally important to the Senate's consideration of your nomination and ask that you keep these two in mind as you phrase your observations and responses today.

As you might guess, and as we discussed in our meeting last week, the first item is that of Congressional oversight of United States' intelligence activities. Congressional oversight greatly expanded under a Republican Administration—President Ford's. The relationship between the Congressional intelligence committees and the intelligence agencies is young and still fragile. It has been clearly beneficial in both improving the agencies and in protecting the civil liberties of American citizens. The agencies now know that they must face scrutiny by representatives of the American people. As these representatives, in turn, are held to increasingly strict accountability by the electorate for expenditures of tax dollars, they are more inclined to examine the agencies with a sharp eye for cost effectiveness and competence. This feature of Congressional oversight seems only to enhance the motivation of the intelligence community to produce timely and useful information.

Equally important, however, is the incentive that Congressional oversight provides for the intelligence agencies to adhere strictly to the law and the Constitution in respect to the civil liberties and privacy of Americans. The self-contradiction of those who in the name of protecting American ideals would scorn and secretly assault some of the most important of those ideals—I refer to civil liberties protected by the Constitution—is both obvious and worrisome. Such contradictory thinking encourages only the replication of qualities of totalitarian societies. It portends diminishment of those basic libertarian ideals of American life which distinguish this country and which the true conservative wishes to uphold.

The Congressional oversight provision enacted into law last year requires that the intelligence committees be kept fully and currently informed of all intelligence activities and that they be furnished any information or material concerning those activities. I support a strict interpretation of the Congressional oversight authorities that the law now grants. I would not support a nominee for Director of Central Intelligence who did not recognize the role Congress must play in intelligence

NOMINATION OF ADMIRAL STANSFIELD TURNER

HEARINGS
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION
ON

NOMINATION OF ADMIRAL STANSFIELD TURNER TO BE
DIRECTOR OF CENTRAL INTELLIGENCE

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Senator STEVENSON. Thank you, Mr. Chairman.

Mr. Chairman, my colleague Senator Percy could not be here this morning, and has asked me to express his regrets and to also offer to your record a statement. I trust that statement will be entered in the record.

The CHAIRMAN. Without objection, so ordered.

[The prepared statement of Senator Percy follows:¹]

Senator STEVENSON. Mr. Chairman, the last time this committee acted on a nomination for Director of Central Intelligence, it offered its advice. This time, I believe, is an occasion for consent.

It is a great pleasure to introduce to this committee a distinguished Illinoisan, Adm. Stansfield Turner. Admiral Turner's educational background, including a Rhodes scholarship, his thoughtful publications, his energetic leadership of the Naval War College, and his past professional experience with intelligence and policymaking all suggest the intellectual stature and the intellectual integrity this most difficult office begs for.

Admiral Turner is a proven executive. He has served with distinction as Commander of the 2d Fleet, and as Commander in Chief of Allied Forces, Southern Europe. Admiral Turner has the President's confidence, it would seem. His record in all suggests the fortitude to tell the President about the world as it is, and not as the President might wish it to be, and an authority that would command access to all policymakers at the highest possible levels.

The Admiral's innovations at the Naval War College, his appetite for intellectual combat suggest little patience for habit, not all of which is right in the intelligence community. It would be possible at least for things to change, and for new priorities to be established in the intelligence community, to better reflect all of the requisites of survival in a new era.

And, Mr. Chairman, as to his commitments to our national decency and the rule of law, he, like anyone else, can only offer his assurance, as I am certain he will, and also a record that is bereft of any evidence to belie them.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Stevenson.

I am pleased to now welcome to the committee the nominee for the Director of Central Intelligence, Adm. Stansfield Turner.

Admiral Turner, welcome sir.

Admiral TURNER. Thank you, sir.

The CHAIRMAN. Please proceed in any manner you wish, sir.

STATEMENT OF ADM. STANSFIELD TURNER, U.S. NAVY, NOMINEE FOR DIRECTOR OF CENTRAL INTELLIGENCE

Admiral TURNER. Mr. Chairman, members of the committee, I am very pleased to be here this morning and to have the opportunity to express to you some of my views on the conduct of our national intelligence activities, and on the President's decision to nominate me to

¹ Senator Percy appeared later at the afternoon session and read his prepared statement, see page 37.

the post of Director of Central Intelligence. May I first, however, thank Senator Stevenson for his very kind words, and Senator Percy for his in absentia.

I would like to start by noting that governments, no less than any of us as individuals, depend upon accurate and timely information to make decisions. The collection, the evaluation, the dissemination of information to protect our national security, and upon which to base the foreign policy, is essential for any sovereign state. And in this day when our state has such international responsibilities, a good intelligence collection organization is absolutely vital.

Today, however, we are in an era of effort to reduce international tensions, and in this era, the United States, in my opinion, needs an organization for intelligence of high quality and responsiveness perhaps more than any other time. The Congress itself has recognized the fact that the success of our ongoing negotiations for SALT and MBFR may very well depend in part on our ability to verify that past agreements are in fact being carried out. Thus, our intelligence will be one factor in developing that mutual trust which will be essential to further progress in this important area. If our intelligence is faulty, we may misjudge; if it is inadequate, we may read the signals incorrectly. Without good intelligence, we may simply miss opportunities to insure the world of peace. I believe, then, that we must have the best intelligence agency in the world. I think we can do this and still be fully consistent with American values and law.

At the same time today that we are working toward international understanding, we are also witnessing the substantial investment of the Soviet Union in their military forces. whether their forces are larger or smaller than ours, stronger or weaker, better or poorer is a subject that could involve interminable debate. It does seem clear to me, however, that we are going to require all of the leverage which good intelligence can give to our military posture if we are going to remain adequately strong in the future.

However, today there are more than military requirements for intelligence. Our intelligence must be acutely aware of foreign political, economic, and social trends, as well as the military ones, and must be able to relate these in assessing the prospects for our future.

There is no doubt in my mind that we possess the capability to have the best of all intelligence services in all of these areas. To do that, though, we must insure that our intelligence resources are employed in an optimal manner.

In this connection, the President has within the last few days made it expressly clear to me that he expects the Director of Central Intelligence to be able to insure him that our total national intelligence effort is being conducted in accordance with established priorities and with minimal duplication of effort. He also wants to be certain that the foreign intelligence work of all agencies of our Government is being conducted strictly in accordance with law and with American values. The President indicated that while he believes that existing law and executive orders encompass these objectives, he intends to work closely with the Congress on any revisions of law or executive orders that may be desirable to assist the Director of Central Intelligence in fulfilling these charges.

I believe that we can adhere to the President's guidance for greater efficiency and responsiveness within full legality while simultaneously maintaining the individuality, the imaginative initiatives, and the independent voice of the various agencies of our national intelligence structure. I appreciate the importance of maintaining a degree of independence in our subordinate national intelligence activities, as well, of course, as in our tactical intelligence operations.

I have already discussed this question with the Secretary and Deputy Secretary of Defense and know that we all approach it with open and cooperative minds. We all seek greater effectiveness and efficiency from better direction and coordination. We all abhor any thought of such a degree of centralization that alternative judgments cannot be heard, and uncertainties discussed.

Again, the President stated that he feels that the decisionmakers in Congress and in the executive branch will be better served if they all work from the same foundation of intelligence. This is not to say that consensus among the various elements of the community need be forced, or that dissenting opinion need be stifled. Contrary views must be presented, but in such a way that the rationale for such dissent is clearly evident.

In fact, were the Senate to confirm me for this position, I would look upon maintaining the objectivity which comes from considering divergent viewpoints as my highest priority. Objectivity benefits both the producer and the user of intelligence. The user obviously benefits because he is given all reasonable alternatives. As a frequent user of intelligence, I understand, I believe, the importance of approaching decisions with a range of choices in hand, not simply one option. I also believe that I am aware of the dangers to military planning and operations of intelligence estimates that are biased in one direction. The producer of intelligence also benefits from an emphasis on objectivity because he is not asked to sacrifice his intellectual or scientific integrity to support an established position, but rather, he is asked to lay out all sides of a case indicating the level of confidence he has in the deductions he makes from the facts at hand. Objectivity simply must continue to be the hallmark of our intelligence effort.

My second point of emphasis would be to insure that the work of the intelligence community is conducted lawfully. I believe with my deepest conviction, that the greatest strength we have as a world power is our moral dedication to the rights of the individual. If any part of our government is perceived to function outside of this fundamental American tenet, it can only bring discredit on the whole. I believe that it is the solemn duty of every agency of the U.S. Government to protect the constitutional rights of our citizens.

I also believe that there are valid national secrets and recognize that the Director of Central Intelligence is charged by law to prevent the unauthorized disclosure of intelligence sources and methods. Thus, though American citizens can rightfully expect their government to operate openly, there must be a relatively small amount of information and activity which is kept secret. As long as representative groups of elected officials such as this committee and the Chief Executive are kept informed, and as long as they can act for the society in regulating the secret information and activities, I think that the difficult

balance between necessary secrecy and an open, democratic society can be maintained.

From the discussions I have enjoyed over the past 2½ weeks, it appears to me that this committee has taken great and successful strides in improving communications between the Congress and the intelligence community. I fully support this progress and philosophy. Within the limits of the constitutional prerogatives of the executive branch, I would intend to do my part in insuring that Congress remains a full and knowledgeable partner.

Similarly, I believe that it is incumbent upon the intelligence community to make a serious and continuing effort to avoid the overclassification of information and even to attempt selectively to publish unclassified information which is of high interest and value to our citizens.

Even though the various disclosures of questionable intelligence activities during the past several years were quite necessary, they have had an adverse impact on the reputation of our intelligence community. A third area of emphasis which I would suggest would be to continue to rebuild this reputation. The intelligence community is, by and large, composed of well-qualified, hard-working individuals who are as dedicated to our national ideals as are any of us. As in any organization, they need a clear understanding of what is expected of them, and a clear recognition of the importance of the work that they would do. I intend to make the realization of these goals my next highest priority should I be confirmed in this office.

To achieve this, we must continue the work of restoring confidence in the credibility of intelligence effort, and this can only be done by actions, not by words. Redundant programs, parochial causes, needless controversy within the community must be eliminated. Everyone's full effort must be turned to producing intelligence information and estimates of the highest quality. That product will measure our intelligence community's worth. And coupled with good communication with the Congress, maximum permissible disclosure to the public, we should be able to create that measure of confidence and credibility which is vital to a successful intelligence program.

There is much work ahead, and if I am confirmed by the Senate, I would be excited by the challenge. I have been in the service of our Nation for 30 years, and I view this appointment as another opportunity to continue that service in an area of special importance today.

Since you have my biography, I would not want to detail further my experience in managing large organizations or in the analysis and rationalization of defense programs.

I would like to conclude simply by reiterating that I do respect the dedicated professionals in both our civilian and military components of the intelligence organizations. I hope to encourage them to realize their full capabilities, to be innovative, questioning and objective in their approach to all problems. At the same time, I believe that I also understand the need for honest, rigidly accurate intelligence assessments if they are to be useful to the Congress and to the President.

If I am confirmed, I would work to re-establish the full credibility of the community's work, to insure that a worthwhile contribution is made in support of our decisionmaking process, and to require that

the gathering and dissemination of intelligence for the United States is consistent with the ideals upon which this country was founded.

Mr. Chairman, if confirmed by the Senate, I would be proud to be the Director of Central Intelligence, and the Director of the Central Intelligence Agency, and to work closely with this committee in helping to provide this country with an intelligence service second to none.

Thank you, sir.

The CHAIRMAN. Thank you very much, Admiral Turner.

Before proceeding with the questioning by the committee, may I administer the oath, sir?

Admiral TURNER. Please.

The CHAIRMAN. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Admiral TURNER. I do.

The CHAIRMAN. Thank you very much, sir.

Because of the interest shown in this nomination, the Chair would like to once again institute the 10-minute rule, and so I will begin with the first 10 minutes.

Admiral Turner, as you know, one of the purposes of the creation of the CIA in 1947 was to insure that U.S. intelligence would be independent of military control.

Although the Department of Defense intelligence activities represent the largest part of the annual U.S. intelligence budget, I believe that purpose still continues, and so the question I ask, sir, is whether you might be able to better serve the intent of civilian control were you to resign your commission prior to becoming the Director of Central Intelligence?

How do you react to this issue, sir?

TESTIMONY OF ADM. STANSFIELD TURNER

Admiral TURNER. Mr. Chairman, I come to this nomination as an active military officer. The law provides that an active officer may serve as the Director of Central Intelligence. In fact there have been 11 military officers who have served either as Director or Deputy Director. Ten of them served while on active duty. Six of those ten returned to military service after completing their duty in Central Intelligence.

Having thoroughly enjoyed serving my country in active military service for 30 years, I am anxious not to foreclose the possibility I may follow in the footsteps of those six.

The CHAIRMAN. Do you perceive any conflict of interest in your serving with your commission?

Admiral TURNER. I do not, sir. To begin with, I am charged, or would be charged by law, not to accept any responsibility to or carry out any responsibility with the military services while serving as the Director of Central Intelligence, and I would intend to comply with that law, not only to the letter, but in its spirit.

The CHAIRMAN. Have you discussed this relationship with members of the Joint Chiefs of Staff?

Admiral TURNER. No, sir.

The CHAIRMAN. Or with the Department of the Navy?

NOMINATION OF ROBERT M. GATES

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-NINTH CONGRESS
SECOND SESSION
ON
NOMINATION OF ROBERT M. GATES TO BE DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE

APRIL 10, 1986

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**STATEMENT OF ROBERT M. GATES, NOMINEE TO BE DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. GATES. I welcome the opportunity to appear before you today on my nomination as Deputy Director of Central Intelligence.

I am honored by the President's decision to nominate me. I am grateful to Director Casey for his confidence in me, the opportunities he has given me and his unwavering support. I am honored to follow in the footsteps of two respected colleagues and friends, Adm. Bob Inman and John McMahon, both of whom were esteemed for their sound judgment, managerial skill, and independence of view. I cannot think of two finer role models for a Deputy Director of Central Intelligence. And I certainly appreciate Senator Warner's introduction.

CONGRESSIONAL OVERSIGHT

I believe it would be useful and appropriate for me to speak at the outset to the oversight process. I have addressed this in writing in response to a question from the committee, but believe it worthwhile to summarize my views.

Every so often, the assertion is made that U.S. intelligence, and CIA in particular, deeply dislikes oversight, resists keeping the committees informed, carries out its reporting responsibilities grudgingly and minimally, and would like to return to the so-called good old days before oversight.

This public hearing affords me the opportunity to say that these allegations are wrong. The concept and principles of congressional oversight of intelligence are fully accepted within the American intelligence community. Nearly two-thirds of those now serving in CIA began their careers after 1976, when oversight as we know it began. They know no other way of doing business than within the framework of congressional oversight. At the same time, we realize that, almost by definition, oversight involves skepticism, criticism, and suggestions for improvement. And, obviously, nobody likes to be on the receiving end of criticism. But, whatever frictions result are usually transitory and do not affect the basic process.

More important, the community's acceptance of oversight is based in substantial measure on recognition of the benefits to us of the process. We remember, for example, that the rebuilding of American intelligence began in the late 1970's in this committee. Subsequently, both committees have strongly supported our resource needs. You have on occasion given us—defended us in public against unjustified accusations. You have been instrumental in initiating and sponsoring legislation important to our people and our work, including the Identities Protection Act and the CIA Informa-

tion Act. Oversight has created an environment that fosters adherence to the rules at all levels and discourages corner cutting or abuses. The committees have contributed to improving the quality of our work and to efficiency. And, finally, the congressional committees and executive oversight organizations such as the Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board should give Americans confidence that their intelligence service is accountable, carries out its activities according to the law and that we are guided by standards and values acceptable to them.

The relationship between the congressional oversight committees and the intelligence community is unique in the world—the first attempt ever to conduct secret intelligence operations accountable to the people and responsible to the law and to the Congress. While the oversight process may occasionally lead to frictions in the gray area resulting from the overlap between congressional authorities and the duties of the executive, it has been the practice of both branches of Government for 10 years now to try to resolve such difficulties in a spirit of comity and mutual understanding. This unique relationship between us depends on mutual trust, candor, and respect and I assure you I intend to conduct myself with this in mind.

INTELLIGENCE IMPROVEMENT MEASURES

Twenty years have elapsed since I began my intelligence career as an Air Force intelligence officer with a Minuteman missile wing. You have before you the details of my career which I will not repeat. There are three features, however, perhaps worth noting. First, I've always believed that no matter how good U.S. intelligence is—and it is in my view, quite good—it can always be improved. I somewhat presumptuously first expressed dissatisfaction with and suggested improvements in our analytical work on the Soviet Union in an article published a short time after I joined the Agency. Throughout my career, culminating in my present position, I have endeavored to improve the quality of our work—its substance, relevance and responsiveness to our leaders' needs. Because intelligence is secret and our Agency is closed to public scrutiny, I believe we must take the initiative to reach out to policy-makers, the Congress, the private sector, and critics and experts of all stripes for help in improving the substance of our work, our efficiency and our effectiveness.

Second, I have spent a significant part of my career trying to build a dialog between those of us in intelligence and the policymakers we serve. Intelligence must be relevant, timely, and responsive to the real requirements of the policymaker if it is to be useful and effective. And relevance can be insured only by a close, day to day, working relationship. At the same time, intelligence must remain independent. Our very existence depends upon a reputation for integrity and for objectivity. Splendidly isolated, our independence is guaranteed but so is our irrelevance. While daily engagement with the policymaker requires constant vigilance and sound judgment to maintain our objectivity, this is the arena where we must operate. This constant contact is imperative.

Third, my years on the National Security Council staff opened my eyes to the enormous cost imposed on the effectiveness of Government—including intelligence—by bureaucratic parochialism—turf battles. As Deputy Director for Intelligence and Chairman of the National Intelligence Council, I have worked to break down institutional barriers within CIA and within the intelligence community. Only by cooperation and by combining the strengths of each organization can we do our work effectively. The present harmony that characterizes the American intelligence community is due in significant measure to Director Casey's leadership in reducing these barriers, and I look forward to helping him make further progress in this area.

My career has been spent primarily on the overt side of CIA and, specifically, at that point where the product of our vast collection apparatus emerges in finished form to help warn and inform policymakers and to help them understand better a complex world. The pace of change is accelerating; challenges to our security and well being are multiplying; opportunities to promote our democratic values and to help others share our economic prosperity are increasing. The contribution of intelligence in discerning and explaining these developments is becoming more vital.

FUTURE INTELLIGENCE DEMANDS

We are entering an era when demands on the intelligence community are reaching beyond traditional areas into new worlds including terrorism, narcotics, technology transfer, the proliferation of chemical and biological weapons, and many other problems. We must find the resources to support these new efforts while continuing to place major emphasis on the collection and analysis of countries hostile to the United States.

Thanks to the rebuilding of the last several years and a policy community willing to work with us, the American intelligence community in my view has never been in finer shape. Good intelligence is a wise and necessary investment. It can, and has, saved billions of dollars for the Department of Defense through information we acquire on Soviet weapons and military plans. Even more important, in analyzing, penetrating, and countering the shadowy worlds of terrorism, narcotics, subversion, and other problems, we save lives and help protect the Nation. But this investment in intelligence cannot be turned on and off like a faucet. It takes years to train a case officer or a good analyst, and often a decade or more to build a new technical collection system. Quality intelligence requires sustained support. We have come a long way back in recent years, but the challenges are multiplying and a continuing investment is required. Here, the understanding and support of the President and of the oversight committees have been invaluable.

In closing, a rare public hearing such as this requires acknowledgement of the brave men and women of American intelligence, military and civilian, who live and work in dangerous and inhospitable places overseas and under enormous pressures here at home. With courage and dedication, they endure personal sacrifice, incredibly long hours, a cloak of secrecy about what they do that excludes even their families, a lack of privacy, and yet anonymity. As

the President said to some of them in 1984, "the work you do each day is essential to the survival and to the spread of human freedom. You remain the eyes and ears of the free world. You are the tripwire." The Nation can be proud of its intelligence corps and, if confirmed, I would be proud to serve with them as Deputy Director of Central Intelligence.

Mr. Chairman, this concludes my statement. While I'm somewhat unaccustomed to a public forum such as this, I would be pleased to answer any questions that you or the members of the committee may wish to ask.

NOMINATION OF JOHN N. McMAHON

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
SECOND SESSION
ON
NOMINATION OF JOHN N. McMAHON TO BE DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE

MAY 26, 27, 1982

Printed for the use of the Select Committee on Intelligence



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**TESTIMONY OF JOHN N. McMAHON, NOMINEE TO BE DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. McMAHON. Thank you, Mr. Chairman.

Members of the Select Committee on Intelligence, I am honored to appear before you today to discuss my nomination to be Deputy Director of Central Intelligence. I appreciate the President's expression of confidence in me, and I approach this new challenge with enthusiasm and determination.

I have, as you know, served our Nation as an intelligence officer for over 30 years. I feel fortunate to have had a varied, rewarding and constantly challenging career, permitting me to serve in all phases of intelligence, from operations to analysis, from research and development of technical collection systems to administration. Let me briefly review it for the committee.

I began my career with the Agency as a clerk in 1951. After serving overseas for 5 years, I returned for basic training in the Army and I then joined the U-2 program. In 1965 I became Deputy Director for the Agency's Office of Special Projects which was concerned with applying the latest in advanced technology to major intelligence collection problems. Later I served as Director of the Office of Electronic Intelligence, and then as Director of the Office of Technical Service, responsible for technical support to our overseas operations.

In 1974 I became Associate Deputy Director of CIA for administration. I then served as Associate Deputy and as Acting Deputy to the DCI for the intelligence community until being appointed Deputy Director of CIA for Operations in January of 1978. In this capacity I directed the Agency's overseas operations. In April of 1981 I became Deputy Director for National Foreign Assessment, responsible for directing analysis and production of intelligence. I served in that capacity until January of this year when I was appointed as the Agency's Executive Director, responsible for the day-to-day management of CIA.

My assignments, many of which involved joint programs with the military, have given me both a detailed knowledge of the Central Intelligence Agency and a substantial appreciation of military requirements and intelligence needs. My 2 years with the intelligence community staff provided me with an in-depth understanding of all national programs, military and civilian, the priority of intelligence requirements associated with those programs, and the best means of satisfying intelligence needs for the policymakers as well as our military commanders in the field.

When I joined the Agency in 1951, Mr. Chairman, we lived in an essentially bipolar world. In those days our adversary was obvious, our mission was clear, and our efforts were focused accordingly. The United States worked to build the democratic institutions and economic capabilities of its friends while the Soviet Union strove to subvert our efforts. The risk of atomic catastrophe was just then beginning to become a factor in the struggle between freedom and totalitarianism. We focused intelligence resources on the Soviet Union and its allies, and we analyzed world events mainly in terms of their effect on the East-West balance of power.

As we move through the 1980's and beyond, it is clear that the intelligence mission must be geared to threats which are increasingly varied, subtle, and complex. We can never take for granted our ability to accurately assess the military capabilities and intentions of our key adversaries, and the Soviet Union must remain our first intelligence priority. At the same time, we should also insure that we appreciate fully the broad range of political, economic, social, and religious forces whose interaction will shape world events and influence the destiny of our country. Finally, we should never set aside the importance of more traditional causes of international conflict such as irredentism and national pride.

The ability of the intelligence community to provide national policymakers with the timely, accurate, and insightful information they need to advance American interests in the world requires that we constantly strive to improve our capabilities to collect the right kind of information, to analyze it effectively, and to present it in a relevant and useful manner.

We are encouraged that the mutual determination of the President and the Congress to restore the vitality of our Nation's intelligence community is helping us translate these goals into reality. As we do so, however, I would like to emphasize for the record that the activities of the intelligence community involving Americans are and must continue to be limited, subject to strict standards of accountability, and far removed from any abridgment of cherished constitutional rights.

I am firmly convinced that congressional oversight is beneficial both for the American people and for the intelligence committee. The oversight system serves two key purposes. First, it assures the American people that activities which are of necessity undertaken in secret are being monitored by their elected representatives. Second, it assures the intelligence officers who undertake those activities that the Congress and the American people stand behind and support them in their difficult and often dangerous assignments.

The oversight arrangements which have developed and matured over the past several years have also served to enhance congressional understanding of the intelligence mission and of the need for the long range commitment of resources to meet the challenges which lie ahead. The cumulative impact of the annual authorization of appropriations for intelligence activities by this committee and its counterpart in the House of Representatives, the review conducted in great detail by the Appropriations Committees, and the statutory obligation to keep the two Intelligence Committees fully and currently informed has made the Congress an active partner in our Nation's intelligence activities.

This is as it should be, and I pledge to you that if confirmed I will make every effort to foster and improve this vital relationship.

Mr. Chairman, that concludes my prepared remarks. I would be pleased to answer any questions which you and the members of the committee may have.

NOMINATION OF ADMIRAL B. R. INMAN

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
FIRST SESSION
ON
NOMINATION OF ADMIRAL B. R. INMAN TO BE DEPUTY
DIRECTOR OF CENTRAL INTELLIGENCE

FEBRUARY 8, 1981

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STATEMENT OF VICE ADM. BOBBY R. INMAN, U.S. NAVY

Admiral INMAN. Mr. Chairman, I appreciate very much the kind words with which you have opened this session. I would not elect to judge this committee's views on the subject of whether or not this country ought to have a draft. But I did come to this table with something of the feel of a draftee.

I am grateful to have the committee's support, and I hope both of us will feel at the end of 2 years that it was the right choice.

It is a distinct pleasure to appear before this committee on this occasion. I have been nominated by the President to serve as the Deputy Director of Central Intelligence. You are all generally aware of my background and my most recent assignment as Director, National Security Agency. However, it might be useful for me to review that background and experience in light of this nomination.

BACKGROUND AND EXPERIENCE

As a native of the State of Texas, I was educated and received the degree of bachelor of arts from the University of Texas at Austin in 1950. Shortly after joining the Naval Reserve in 1951 and being

commissioned as an ensign in March of 1952, I joined the U.S.S. *Valley Forge*, then participating in operations in the Korean area. Later, I served in various administrative assignments in the European theater.

Following release from and then return to active duty 6 months later with the Navy, I served in various shipborne operational assignments and in several intelligence assignments functioning as an intelligence analyst and as the assistant naval attaché at the U.S. Embassy in Stockholm.

Subsequent assignments included service as the fleet intelligence officer on the staff of the commander, 7th Fleet; attendance at the National War College; executive assistant and senior aide to the Vice Chief of Naval Operations; assistant chief of staff for intelligence to the commander in chief, U.S. Pacific Fleet; Director of Naval Intelligence; and Vice Director for Plans, Operations, and Support of the Defense Intelligence Agency.

As you know, since July 5, 1977, I have had the pleasure of serving as Director, National Security Agency.

Although my current assignment has involved me heavily in the collection and production of intelligence information, the majority of my experience during 21 years of service in the field of intelligence has been as an analyst and as a manager. The variety of my assignments has provided me with a unique perspective on the need to balance the production and analytic facets of the intelligence mission and to provide for the needs of the Nation's policymakers both in the executive and the Congress, and the needs of the military forces.

I am in complete agreement with Mr. Casey in his statement to this committee that it is vital that this Nation have a strong and effective intelligence organization with a wide range of capabilities and the flexibility to adapt and focus them on whatever exterior threats or problems confront the Nation.

[The prepared statement of Vice Admiral Inman follows:]

STATEMENT OF VICE ADM. BOBBY R. INMAN, U.S. NAVY

Mr. Chairman and members of the committee: It is a distinct pleasure to appear before this Committee on this occasion. I have been nominated by the President to serve as the Deputy Director of Central Intelligence. You are all generally aware of my background and my most recent assignment as Director, National Security Agency. However, it might be useful for me to review that background and experience in light of this nomination.

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I am in complete agreement with Mr. Casey in his statement to this Committee that it is vital that this Nation have a strong and effective intelligence organization with a wide range of capabilities and the flexibility to adapt and focus them on whatever exterior threats or problems confront the nation.

The CHAIRMAN. Thank you, Admiral.